

# SENATE BILL 129

C2, D4

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CF HB 65

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By: **Senators Pugh, Conway, Forehand, Jacobs, Jones, Kelley, King, and Kramer**

Introduced and read first time: January 15, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **International Marriage Brokers – Regulation**

3 FOR the purpose of requiring an international marriage broker to provide certain  
4 information to a recruit; requiring a client of an international marriage broker  
5 to provide certain information to the international marriage broker and to  
6 affirm that certain information is accurate and complete; requiring an  
7 international marriage broker to request certain criminal history records checks  
8 from the Criminal Justice Information System Central Repository; requiring the  
9 Central Repository to process certain State and national criminal history  
10 records checks on submission of certain information and fees; prohibiting an  
11 international marriage broker from providing services to a certain client or  
12 recruit until certain information is received and provided to a recruit;  
13 prohibiting an international marriage broker from further dissemination of  
14 certain information; providing that a certain international marriage broker  
15 shall be deemed to be doing business in the State; establishing penalties for  
16 violating this Act; requiring the court to consider certain factors in determining  
17 a certain penalty; defining certain terms; and generally relating to international  
18 marriage brokers.

19 BY adding to

20 Article – Business Regulation

21 Section 19–601 through 19–606 to be under the new subtitle “Subtitle 6.  
22 International Marriage Brokers”

23 Annotated Code of Maryland

24 (2004 Replacement Volume and 2009 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article – Business Regulation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **SUBTITLE 6. INTERNATIONAL MARRIAGE BROKERS.**

2   **19-601.**

3           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5           **(B) “BASIC RIGHTS INFORMATION” MEANS INFORMATION APPLICABLE**  
6 **TO A NONCITIZEN, INCLUDING INFORMATION ABOUT HUMAN RIGHTS,**  
7 **IMMIGRATION, AND EMERGENCY ASSISTANCE AND RESOURCES.**

8           **(C) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE**  
9 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**  
10 **PUBLIC SAFETY AND CORRECTIONAL SERVICES ESTABLISHED UNDER § 10-213**  
11 **OF THE CRIMINAL PROCEDURE ARTICLE.**

12           **(D) “CLIENT” MEANS AN INDIVIDUAL WHO IS A CITIZEN OR RESIDENT**  
13 **OF THE UNITED STATES AND THE STATE OF MARYLAND AND WHO USES THE**  
14 **SERVICES OF AN INTERNATIONAL MARRIAGE BROKER TO MEET RECRUITS.**

15           **(E) “CRIMINAL HISTORY RECORD INFORMATION” MEANS CRIMINAL**  
16 **HISTORY RECORD INFORMATION AS DESCRIBED IN § 10-201 OF THE CRIMINAL**  
17 **PROCEDURE ARTICLE THAT IS OBTAINED FROM THE CENTRAL REPOSITORY.**

18           **(F) (1) “INTERNATIONAL MARRIAGE BROKER” MEANS A**  
19 **CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER LEGAL**  
20 **ENTITY THAT DOES BUSINESS IN THE UNITED STATES AND OFFERS TO**  
21 **MARYLAND RESIDENTS DATING, MATRIMONIAL, OR SOCIAL REFERRAL**  
22 **SERVICES INVOLVING RECRUITS BY:**

23                   **(I) EXCHANGING NAMES, TELEPHONE NUMBERS,**  
24 **ADDRESSES, PHOTOGRAPHS, OR STATISTICS OR OTHERWISE FACILITATING**  
25 **COMMUNICATION BETWEEN A CLIENT AND A RECRUIT; OR**

26                   **(II) PROVIDING A SOCIAL ENVIRONMENT FOR INTRODUCING**  
27 **CLIENTS TO RECRUITS IN A COUNTRY OTHER THAN THE UNITED STATES.**

28           **(2) “INTERNATIONAL MARRIAGE BROKER” DOES NOT INCLUDE:**

29                   **(I) A TRADITIONAL MARRIAGE BROKER OF A RELIGIOUS**  
30 **NATURE THAT OPERATES ON A NONPROFIT BASIS AND OTHERWISE OPERATES IN**  
31 **COMPLIANCE WITH THE LAWS OF THE COUNTRIES IN WHICH IT OPERATES,**  
32 **INCLUDING THE LAWS OF THE UNITED STATES; OR**

1                   **(II) AN ORGANIZATION THAT DOES NOT CHARGE A FEE**  
2 **BASED ON GENDER OR COUNTRY OF ORIGIN TO ANY PARTY FOR THE SERVICES**  
3 **PROVIDED.**

4           **(G) “MARITAL HISTORY INFORMATION” MEANS A DECLARATION OF AN**  
5 **INDIVIDUAL’S CURRENT MARITAL STATUS, THE NUMBER OF TIMES THE**  
6 **INDIVIDUAL HAS BEEN MARRIED, THE NUMBER OF DOMESTIC VIOLENCE**  
7 **PROTECTIVE ORDERS ISSUED AGAINST THE INDIVIDUAL, AND WHETHER ANY**  
8 **PREVIOUS MARRIAGE OCCURRED AS A RESULT OF RECEIVING SERVICES FROM**  
9 **AN INTERNATIONAL MARRIAGE BROKER.**

10           **(H) “RECRUIT” MEANS AN INDIVIDUAL WHO IS NOT A CITIZEN OR**  
11 **RESIDENT OF THE UNITED STATES AND WHO USES THE SERVICES OF OR IS**  
12 **RECRUITED BY AN INTERNATIONAL MARRIAGE BROKER FOR DATING,**  
13 **MATRIMONIAL, OR SOCIAL REFERRAL SERVICES.**

14 **19-602.**

15           **(A) AN INTERNATIONAL MARRIAGE BROKER SHALL PROVIDE EACH**  
16 **RECRUIT WITH CRIMINAL HISTORY RECORD INFORMATION AND MARITAL**  
17 **HISTORY INFORMATION OF ITS CLIENT AND BASIC RIGHTS INFORMATION**  
18 **BEFORE ANY INFORMATION ABOUT A RECRUIT IS GIVEN TO THE CLIENT.**

19           **(B) THE INFORMATION REQUIRED IN SUBSECTION (A) OF THIS SECTION**  
20 **MUST BE:**

21                   **(1) IN THE RECRUIT’S NATIVE LANGUAGE; AND**

22                   **(2) DISPLAYED IN A MANNER THAT:**

23                           **(I) SEPARATES THE CRIMINAL HISTORY RECORD**  
24 **INFORMATION, THE MARITAL HISTORY INFORMATION, AND THE BASIC RIGHTS**  
25 **INFORMATION FROM ANY OTHER INFORMATION; AND**

26                           **(II) IS HIGHLY NOTICEABLE.**

27           **(C) THE INTERNATIONAL MARRIAGE BROKER SHALL PAY THE COSTS**  
28 **INCURRED TO TRANSLATE THE INFORMATION.**

29 **19-603.**

30           **(A) A CLIENT SHALL:**

1           (1) PROVIDE TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE  
2 FINGERPRINTS THAT MEET THE REQUIREMENTS OF § 19-604(C)(1) OF THIS  
3 SUBTITLE TO THE INTERNATIONAL MARRIAGE BROKER; AND

4           (2) PROVIDE THE CLIENT'S OWN MARITAL HISTORY INFORMATION  
5 TO THE INTERNATIONAL MARRIAGE BROKER.

6           (B) THE INTERNATIONAL MARRIAGE BROKER SHALL REQUIRE THE  
7 CLIENT TO AFFIRM THAT THE MARITAL HISTORY INFORMATION IS COMPLETE  
8 AND ACCURATE AND INCLUDES INFORMATION REGARDING MARRIAGES,  
9 ANNULMENTS, DISSOLUTIONS, AND THE NUMBER OF DOMESTIC VIOLENCE  
10 PROTECTIVE ORDERS ISSUED AGAINST THE CLIENT THAT OCCURRED IN THIS  
11 STATE, IN ANOTHER STATE, OR IN A FOREIGN COUNTRY.

12           (C) THE INTERNATIONAL MARRIAGE BROKER MAY NOT PROVIDE ANY  
13 SERVICES TO THE CLIENT OR THE RECRUIT UNTIL THE INTERNATIONAL  
14 MARRIAGE BROKER HAS:

15           (1) RECEIVED THE REQUESTED CRIMINAL HISTORY RECORD  
16 INFORMATION IN ACCORDANCE WITH § 19-604 OF THIS SUBTITLE;

17           (2) RECEIVED THE REQUESTED MARITAL HISTORY INFORMATION;  
18 AND

19           (3) PROVIDED THE INFORMATION TO THE RECRUIT.

20           (D) INFORMATION OBTAINED BY THE INTERNATIONAL MARRIAGE  
21 BROKER UNDER THIS SECTION SHALL BE CONFIDENTIAL AND MAY NOT BE USED  
22 FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DISSEMINATED.

23 **19-604.**

24           (A) THE INTERNATIONAL MARRIAGE BROKER SHALL REQUEST WITH  
25 REFERENCE TO A CLIENT STATE AND NATIONAL CRIMINAL HISTORY RECORDS  
26 CHECKS FROM THE CENTRAL REPOSITORY ON A FORM APPROVED BY THE  
27 DIRECTOR OF THE CENTRAL REPOSITORY.

28           (B) FOR EACH REQUEST FOR STATE AND NATIONAL CRIMINAL HISTORY  
29 RECORDS CHECKS UNDER SUBSECTION (A) OF THIS SECTION, THE CENTRAL  
30 REPOSITORY SHALL PROCESS THE STATE AND NATIONAL CRIMINAL HISTORY  
31 RECORDS CHECKS AND FORWARD TO THE INTERNATIONAL MARRIAGE BROKER  
32 AND THE CLIENT A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS  
33 OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE.

1           (C) AN INTERNATIONAL MARRIAGE BROKER SHALL SUBMIT TO THE  
2 CENTRAL REPOSITORY:

3           (1) TWO COMPLETE SETS OF THE CLIENT'S LEGIBLE  
4 FINGERPRINTS TAKEN AT ANY DESIGNATED STATE OR LOCAL LAW  
5 ENFORCEMENT OFFICE IN THE STATE OR OTHER LOCATION APPROVED BY THE  
6 SECRETARY ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL  
7 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF  
8 INVESTIGATION;

9           (2) THE MANDATORY PROCESSING FEE REQUIRED BY THE  
10 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
11 RECORDS CHECK; AND

12           (3) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE  
13 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL  
14 HISTORY RECORDS.

15 **19-605.**

16           AN INTERNATIONAL MARRIAGE BROKER SHALL BE DEEMED TO BE DOING  
17 BUSINESS IN THE STATE IF IT CONTRACTS FOR SERVICES WITH A MARYLAND  
18 RESIDENT OR IS CONSIDERED TO BE DOING BUSINESS UNDER OTHER LAWS OF  
19 THE STATE.

20 **19-606.**

21           (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS  
22 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
23 EXCEEDING \$12,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

24           (B) IN DETERMINING THE PENALTY, THE COURT SHALL CONSIDER:

25           (1) ANY PREVIOUS VIOLATIONS OF THIS SUBTITLE BY THE  
26 INTERNATIONAL MARRIAGE BROKER;

27           (2) THE SERIOUSNESS OF THE VIOLATION, INCLUDING THE  
28 NATURE, CIRCUMSTANCES, AND EXTENT OF THE VIOLATION;

29           (3) THE DEMONSTRATED GOOD FAITH OF THE INTERNATIONAL  
30 MARRIAGE BROKER; AND

31           (4) THE NECESSITY OF DETERRING FUTURE VIOLATIONS.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2010.